



MEMO ENDORSED

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March 7, 2022

VIA ECF

The Honorable Katherine Polk Failla, U.S.D.J.
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Fischler v. Vaber Medical Testing LLC, 1:21-cv-10439-KPF

Dear Judge Failla:

We represent Plaintiff Brian Fischler in this website accessibility case. We submit this letter motion to respectfully request that the March 18, 2022, Initial Pretrial Conference at 3:00 p.m. be adjourned 30 days.

Plaintiff filed his Complaint on December 7, 2021. We promptly delivered the Summons and Complaint to our process server, however, they were only just able to serve Defendant this morning, following several failed attempts. We are awaiting the Affidavit of Service and will file it promptly upon receipt. Although service is timely (today was the 90th day under Fed. R. Civ. P. 4), Defendant has not had an opportunity to retain counsel or enter an appearance and, its answer is not due until March 30, 2022. Accordingly, Plaintiff respectfully requests that the March 18, 2022 conference be adjourned for 30 days.

This is the first request to adjourn the Initial Pretrial conference. Because Defendant has not yet entered an appearance, or otherwise contacted us, we are unable to determine whether Defendant consents to this request. We appreciate the Court's consideration of this request.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Christopher H. Lowe
Christopher H. Lowe

Application GRANTED. The initial pretrial conference scheduled in this matter for March 18, 2022, is hereby ADJOURNED to **April 21, 2022, at 3:00 p.m.** The Clerk of Court is directed to terminate the pending motion at docket number 7.

Dated: March 8, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE